

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DELTA FRANGIBLE AMMUNITION, LLC,	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 06-1477
	)	
SINTERFIRE, INC.,	)	
Defendant, Counterclaim	)	Judge Terrence F. McVerry
Plaintiff,	)	
	)	Magistrate Judge
	)	Francis X. Caiazza
v.	)	
	)	
DELTA FRANGIBLE AMMUNITION, LLC,	)	
Counterclaim	)	
Defendant,	)	
	)	
v.	)	
	)	
	)	
KENNETH ELLIOTT,	)	
Counterclaim	)	
Defendant,	)	
	)	
and	)	
	)	
SPRINGFIELD MUNITIONS CORP.,	)	
INC.,	)	
	)	
Counterclaim	)	
Defendant.	)	

**MEMORANDUM ORDER**

On November 8, 2006, this case was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

On July 9, 2007 the magistrate judge issued a Report and Recommendation (Doc. 23) regarding the Counterclaim Defendants' Motion to Dismiss Counterclaims 2 and 3 (Doc. 10). The magistrate judge recommended that the District Court grant this Motion.

Service of the Report and Recommendation was made on the parties. No Objections were filed.

After a review of the pleadings and documents in the case, together with the Report and Recommendation, the following ORDER is entered:

AND NOW, this 25<sup>th</sup> day of July 2007 IT IS HEREBY ORDERED that the Counterclaim Defendants' Motion to Dismiss Counterclaims 2 and 3 (Doc. 10) is **GRANTED**.

The Report and Recommendation of Magistrate Judge Caiazza dated July 9, 2007 (Doc. 23 )is hereby adopted as the opinion of the court.

s/ Terrence F. McVerry  
United States District Judge

cc:

Francis X. Caiazza

Counsel of Record  
Via Electronic Mail